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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Patent Number	6,960,649
		Issue Date	November 1, 2005
		First Named Inventor	Mark Ian COCKETT <i>et al.</i>
		Prior Group Art Unit	1646
		Prior Examiner Name	Dong Jiang
Total Number of Pages in This Submission	3	Attorney Docket Number	031896-73100

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Reconsideration of Patent Term Adjustment under 37 CFR § 1.705(d)
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Raymond Van Dyke – Reg. No. 34,746 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	December 16, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of: Mark Ian COCKETT *et al.*

Patent No.: 6,960,649

Issued: November 1, 2005

For: HUMAN POTASSIUM CHANNEL POLYNUCLEOTIDES
AND POLYPEPTIDES AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

12/20/2005 MDAMTE2 00000004 192380 6960649 UNDER 37 C.F.R. § 1.705(d)

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Applicants hereby respectfully request the Commissioner to reconsider the patent term adjustment for the above-identified patent. Specifically, Applicants respectfully request that the term of the above patent be extended by 225 days, instead of 156 days as shown on the currently issued patent.

A 99-day reduction is included in the current patent term adjustment based on Applicants' Request for Issuance of the Application in the Name of the Assignee filed on July 26, 2005, after the Notice of Allowance. Applicants respectfully submit that filing this Request does not constitute a "failure to engage in reasonable efforts" to conclude processing or examination of a patent application, as set forth in 37 C.F.R. § 1.704(a). In particular, Applicants submit that the July 26th Request is similar to "Change of Status (small/not small entity status)," as noted in 1247 Official Gazette 111 (June 26, 2001) (Clarification of 37 C.F.R. § 1.704(c)(10) – Reduction of PTA for Certain Type of Papers Filed After a Notice of Allowance Has Been Mailed), which is not considered a "failure to engage in reasonable efforts." The July 26th Request merely directs the Commissioner's attention to the already-recorded Reel/Frame numbers and, therefore, does not cause any substantial interference and delay in the patent issue process as explained in 1247 Official Gazette 111.

In addition, the July 26th Request was submitted to avoid the same error made in the parent application, now U.S. Patent No. 6,395,477. There, the Assignee was mistakenly listed on the issued patent as "American Home Products Corporation," instead of "Wyeth," even though Applicants had filed a Change of Assignee Name before the patent was issued.


Furthermore, Applicants respectfully submit that even assuming that the July 26th Request constitutes a "failure to engage in reasonable efforts," any patent term reduction for such a filing should be zero (0) days. This is because 37 C.F.R. § 1.704(c)(10) specifically requires that the period of adjustment be reduced by "the lesser of: (i) [t]he number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or (ii) [f]our months." Since no Office action or notice has ever been mailed in response to the July 26th Request, and no official response was ever expected, Applicants respectfully submit that any patent term adjustment for filing the July 26th Request should be zero (0) days, which is the lesser number pursuant to the statute.

Based on all of the above reasons, Applicants respectfully request the Commissioner to add 99 days to the current patent term adjustment. Therefore, the patent term adjustment for this patent should be 255 days. Applicants further submit that this patent is not subject to any terminal disclaimer, and Applicants are not aware of any other circumstances that would constitute any failures to engage in reasonable efforts to conclude processing or examination.

The Commissioner is hereby authorized to charge the required fee as set forth in 37 C.F.R. § 1.705(d) to Deposit Account No. 19-2380 (031896-073100). Should the Commissioner have any questions, the Commissioner is invited to contact Applicants' representative designated below.

Respectfully submitted,

NIXON PEABODY LLP



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Dated: December 16, 2005

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